

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HOUSE BILL 2125

## AN ACT

REPEALING SECTION 11-591, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 3, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 11-591; AMENDING SECTIONS 11-592, 11-593 AND 11-594, ARIZONA REVISED STATUTES; REPEALING SECTION 11-594.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 11-595, 11-596, 11-597, 11-598, 11-599, 11-600, 36-104 AND 36-301, ARIZONA REVISED STATUTES; RELATING TO COUNTY MEDICAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 11-591, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 11, chapter 3, article 12, Arizona Revised Statutes, is  
5 amended by adding a new section 11-591, to read:

6 11-591. Definitions

7 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "ALTERNATE MEDICAL EXAMINER" MEANS A PHYSICIAN WHO HAS TRAINING AND  
9 COMPETENCE IN THE PRINCIPLES OF DEATH INVESTIGATION AND WHO PERFORMS OR  
10 DIRECTS THE CONDUCT OF DEATH INVESTIGATIONS.

11 2. "AUTOPSY" MEANS A SURGICAL PROCEDURE IN WHICH INTERNAL ORGANS ARE  
12 EXPOSED, REMOVED OR EXAMINED FOR THE IDENTIFICATION OF TRAUMA OR NATURAL  
13 DISEASE.

14 3. "DEATH INVESTIGATION" MEANS THE INVESTIGATION DIRECTED BY A COUNTY  
15 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER INTO THE CIRCUMSTANCES  
16 SURROUNDING A DEATH OCCURRING AS PRESCRIBED IN SECTION 11-593.

17 4. "EXTERNAL EXAMINATION" MEANS AN EXTERNAL INSPECTION OF A BODY.

18 5. "FORENSIC PATHOLOGIST" MEANS A PHYSICIAN WHO HAS SUCCESSFULLY  
19 COMPLETED A PATHOLOGY RESIDENCY AND A FORENSIC FELLOWSHIP OR HAS EXTENSIVE  
20 EXPERIENCE PERFORMING FORENSIC AUTOPSIES IN AN OFFICIAL CAPACITY.

21 6. "INVESTIGATIVE INFORMATION" MEANS INFORMATION RECEIVED BY A MEDICAL  
22 EXAMINER OR ALTERNATE MEDICAL EXAMINER FROM LAW ENFORCEMENT, WITNESSES,  
23 FAMILY MEMBERS, HEALTH CARE PERSONNEL OR MEDICAL DEATH INVESTIGATORS  
24 CONCERNING CAUSE AND MANNER OF DEATH.

25 7. "MEDICAL DEATH INVESTIGATOR" MEANS A PERSON TRAINED IN THE  
26 PRINCIPLES OF DEATH INVESTIGATION.

27 8. "MEDICAL EXAMINER" MEANS A FORENSIC PATHOLOGIST WHO PERFORMS OR  
28 DIRECTS THE CONDUCT OF DEATH INVESTIGATIONS.

29 9. "MEDICAL INFORMATION" MEANS INFORMATION RECEIVED BY A MEDICAL  
30 EXAMINER OR ALTERNATE MEDICAL EXAMINER CONCERNING THE CONDITION OF A  
31 NEAR-DEATH PATIENT OR DECEDENT INCLUDING MEDICAL RECORDS, REPORTS OF AN  
32 ATTENDING OR PRIMARY CARE PHYSICIAN, NURSE PRACTITIONER, MEDICAL DEATH  
33 INVESTIGATOR, OR ORGAN PROCUREMENT ORGANIZATIONS AND PHYSICAL EXAMS BY A  
34 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER.

35 10. "NURSE PRACTITIONER" MEANS A PERSON LICENSED AND CERTIFIED PURSUANT  
36 TO TITLE 32, CHAPTER 15.

37 11. "ORGAN PROCUREMENT ORGANIZATION" MEANS AN ORGANIZATION LOCATED  
38 WITHIN THIS STATE THAT MEETS THE REQUIREMENTS OF SECTION 371 OF 42 UNITED  
39 STATES CODE SECTION 273.

40 12. "PHYSICIAN" MEANS A PERSON LICENSED PURSUANT TO TITLE 32, CHAPTER  
41 13 OR 17.

42 13. "TISSUE BANK" MEANS A PERSON THAT IS LICENSED OR REGULATED UNDER  
43 FEDERAL OR STATE LAW OR ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING  
44 ORGANIZATION TO ENGAGE IN THE RECOVERY, SCREENING, TESTING, PROCESSING,  
45 STORAGE OR DISTRIBUTION OF TISSUE.

1           Sec. 3. Section 11-592, Arizona Revised Statutes, is amended to read:

2           11-592. County medical examiner; alternate medical examiners;  
3           fund; notification

4           A. THE BOARD OF SUPERVISORS OF EACH COUNTY MAY APPOINT A FORENSIC  
5           PATHOLOGIST TO THE POSITION OF MEDICAL EXAMINER. THE MEDICAL EXAMINER SHALL  
6           RECEIVE COMPENSATION AS DETERMINED BY THE BOARD OF SUPERVISORS.

7           ~~A.~~ B. If the board of supervisors determines that the appointment of  
8           a medical examiner is not ~~practical~~ PRACTICABLE, the board of supervisors  
9           shall ~~establish a list of licensed physicians who will be available to~~  
10          ~~perform the duties required of a county medical examiner. A licensed~~  
11          ~~physician on the list~~ DESIGNATE ONE OR MORE ALTERNATE MEDICAL EXAMINERS WHO  
12          need not be ~~a resident~~ RESIDENTS of the county, ~~need not be certified in~~  
13          ~~pathology nor skilled in forensic pathology but shall have agreed to perform~~  
14          ~~medical examinations or autopsies to determine the cause and manner of death~~  
15          ~~on behalf of the county on a contract basis.~~ AN ALTERNATE MEDICAL EXAMINER  
16          SHALL PERFORM THE DUTIES OF A MEDICAL EXAMINER EXCEPT ALL AUTOPSIES SHALL BE  
17          PERFORMED BY A FORENSIC PATHOLOGIST.

18          ~~B.~~ C. If the board of supervisors ~~establishes a list of licensed~~  
19          ~~physicians in lieu of appointing a county~~ DESIGNATES ONE OR MORE ALTERNATE  
20          medical examiner EXAMINERS, the board may establish a ~~fund known as the~~  
21          county ~~medical examination~~ fund and shall pay expenses incurred by ~~the~~  
22          ~~licensed physicians~~ ALTERNATE MEDICAL EXAMINERS in the performance of ~~the~~  
23          THEIR duties ~~of the county medical examiner from such fund~~ AND FOR THE COST  
24          OF CASES REFERRED TO A FORENSIC PATHOLOGIST.

25          ~~C.~~ D. The sheriff of the county ~~shall be~~ IS responsible for notifying  
26          ~~and securing a licensed physician on the list to perform a medical~~  
27          ~~examination or autopsy required by law~~ AN ALTERNATE MEDICAL EXAMINER TO  
28          DIRECT A DEATH INVESTIGATION.

29          ~~D.~~ Upon request of the county attorney or the attorney general, the  
30          ~~licensed physician employed by the board of supervisors and secured by the~~  
31          ~~sheriff shall be a licensed physician certified in pathology and skilled in~~  
32          ~~forensic pathology.~~

33          Sec. 4. Section 11-593, Arizona Revised Statutes, is amended to read:

34          11-593. Reporting of certain deaths; failure to report;  
35          classification

36          A. Any person having knowledge of the death of a human being including  
37          a fetal death shall promptly notify the nearest peace officer of all  
38          information in the person's possession regarding the death and the  
39          circumstances surrounding it under any of the following circumstances:

- 40                  1. Death when not under the current care of a physician or nurse  
41                  practitioner for a potentially fatal illness or when an attending physician  
42                  or nurse practitioner is unavailable to sign the death certificate.  
43                  2. Death resulting from violence.  
44                  3. Death occurring suddenly when in apparent good health.  
45                  4. Death occurring in a prison.

1           5. Death of a prisoner.  
2           6. Death occurring in a suspicious, unusual or unnatural manner.  
3           7. Death from disease or accident believed to be related to the  
4 deceased's occupation or employment.  
5           8. Death believed to present a public health hazard.  
6           9. Death occurring during, IN ASSOCIATION WITH OR AS A RESULT OF  
7 anesthetic or surgical procedures.  
8           10. A STILLBIRTH OF TWENTY WEEKS OR LONGER GESTATION UNATTENDED BY A  
9 PHYSICIAN.  
10          11. UNIDENTIFIABLE BODIES.  
11          B. The peace officer shall promptly notify the county medical examiner  
12 OR ALTERNATE MEDICAL EXAMINER and, except in deaths occurring during, IN  
13 ASSOCIATION WITH OR AS A RESULT OF surgical or anesthetic procedures from  
14 natural diseases, shall promptly make or cause to be made an investigation of  
15 the facts and circumstances surrounding the death and report the results to  
16 the medical examiner OR ALTERNATE MEDICAL EXAMINER. If there is no county  
17 medical examiner OR ALTERNATE MEDICAL EXAMINER appointed and serving within  
18 the county, the county sheriff shall be notified by the peace officer and the  
19 sheriff shall in turn notify and secure a licensed physician HAVING THE  
20 QUALIFICATIONS OF AN ALTERNATE MEDICAL EXAMINER to perform the ~~medical~~  
21 ~~examination~~ DEATH INVESTIGATION or TO ARRANGE FOR AN autopsy.  
22          ~~C. An autopsy is not required for deaths due to natural diseases that~~  
23 ~~occur during surgical or anesthetic procedures, except where the medical~~  
24 ~~examiner determines an autopsy is necessary because any of the following~~  
25 ~~exists:~~  
26           ~~1. A public health risk.~~  
27           ~~2. Evidence of a crime.~~  
28           ~~3. Evidence of inadequate health care.~~  
29           ~~4. No clinically evident cause of death.~~  
30          ~~D.~~ C. Every person who knows of the existence of a body where death  
31 occurred as specified in subsection A of this section and who knowingly fails  
32 to notify the nearest peace officer as soon as possible unless the person has  
33 good reason to believe that notice has already been given is guilty of a  
34 class 2 misdemeanor.  
35          ~~E.~~ D. If the deceased was under treatment for accident or illness by  
36 prayer or spiritual means alone, in accordance with the tenets and practices  
37 of a well-recognized church or religious denomination, and death occurred  
38 without a physician or nurse practitioner in attendance, the person who has  
39 knowledge of the death shall report all information in the person's  
40 possession regarding the death and circumstances surrounding it directly to  
41 the county medical examiner or the ~~person performing the duties of a county~~  
42 ALTERNATE medical examiner who may waive an EXTERNAL EXAMINATION OR autopsy  
43 if the county medical examiner OR ALTERNATE MEDICAL EXAMINER is satisfied  
44 that the death of the person resulted from natural causes.

1           ~~F.~~ E. Each county shall provide to the department of public safety  
2 fingerprints of all deceased persons FOR WHOM THE CIRCUMSTANCES OF DEATH  
3 REQUIRE AN EXTERNAL EXAMINATION OR AUTOPSY AND whose deaths are required to  
4 be investigated pursuant to this section. These fingerprints shall be on a  
5 form provided by the department of public safety and shall be accompanied by  
6 such other information regarding the physical description and the date and  
7 place of death as the department of public safety may require. Fingerprints  
8 taken pursuant to this section shall be used only for the purpose of purging  
9 criminal history files. All information and data in the department of public  
10 safety that are furnished in compliance with this section are confidential  
11 and may be disclosed only on written approval of the director of the  
12 department of public safety to the juvenile court, social agencies, public  
13 health and law enforcement agencies licensed or regulated by this state.

14           Sec. 5. Section 11-594, Arizona Revised Statutes, is amended to read:  
15           11-594. Powers and duties of county medical examiner

16           A. The county medical examiner or ~~a licensed physician employed to~~  
17 ~~perform such functions~~ ALTERNATE MEDICAL EXAMINER SHALL DIRECT A DEATH  
18 INVESTIGATION, SHALL DETERMINE WHETHER AN EXTERNAL EXAMINATION OR AUTOPSY IS  
19 REQUIRED AND shall:

20           ~~1. Be responsible for medical examination or autopsy of a human body~~  
21 ~~when death occurred under any of the circumstances set forth in section~~  
22 ~~11-593, subsection A.~~

23           ~~2.~~ 1. Take charge of the dead body ~~of which the medical examiner is~~  
24 ~~notified and, after making inquiries regarding the cause and manner of death,~~  
25 ~~examine the body.~~

26           ~~3.~~ 2. Certify to the cause and manner of death following ~~a medical~~  
27 ~~examination or an autopsy, or both.~~ COMPLETION OF THE DEATH INVESTIGATION,  
28 UNLESS THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER DETERMINES THERE IS  
29 NO JURISDICTION PURSUANT TO SECTION 11-593,

30           ~~4. Make inquiries regarding the cause and manner of death,~~ reduce the  
31 findings to writing and promptly make a full report on forms prescribed for  
32 that purpose.

33           3. HAVE SUBPOENA AUTHORITY FOR ALL DOCUMENTS, RECORDS AND PAPERS  
34 DEEMED USEFUL IN THE DEATH INVESTIGATION.

35           ~~5.~~ 4. Execute a death certificate provided by the state registrar of  
36 vital statistics indicating the cause ~~as well as~~ AND the manner of death for  
37 those bodies ~~on~~ FOR which a ~~medical examination or autopsy is performed~~ DEATH  
38 INVESTIGATION HAS BEEN CONDUCTED AND JURISDICTION IS ASSUMED.

39           5. GIVE APPROVAL FOR CREMATION OF A DEAD BODY AFTER A DEATH  
40 INVESTIGATION AND RECORD THE APPROVAL ON THE DEATH CERTIFICATE.

41           6. Notify the county attorney OR OTHER LAW ENFORCEMENT AUTHORITY when  
42 death is found to be from other than natural causes.

43           ~~7. Notify the appropriate city, town, county or state law enforcement~~  
44 ~~agency if further investigation by such agency appears necessary.~~

45           ~~8.~~ 7. Carry out the duties specified under section 28-668.

1           ~~9.~~ 8. Carry out the duties specified under title 36, chapter 7,  
2 article 3.  
3           9. OBSERVE ALL POLICIES ADOPTED BY THE BOARD OF SUPERVISORS REGARDING  
4 CONFLICTS OF INTEREST AND DISCLOSURE OF NONCOUNTY EMPLOYMENT.  
5           B. The county medical examiner OR ALTERNATE MEDICAL EXAMINER may:  
6           ~~1. Appoint qualified professional, technical and clerical personnel as~~  
7 ~~necessary for the administration of the office, subject to approval of the~~  
8 ~~board of supervisors.~~  
9           1. ASSIGN TO A MEDICAL DEATH INVESTIGATOR OR OTHER QUALIFIED PERSONNEL  
10 ALL ASPECTS OF A DEATH INVESTIGATION EXCEPT THE PERFORMANCE OF AUTOPSIES.  
11           2. Authorize ~~qualified practicing physicians in local areas~~ FORENSIC  
12 PATHOLOGISTS to perform ~~medical~~ examinations ~~required of the county medical~~  
13 ~~examiner~~ AND AUTOPSIES. THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER  
14 MAY AUTHORIZE MEDICAL STUDENTS OR RESIDENTS AND FELLOWS IN PATHOLOGY TRAINING  
15 TO PERFORM AUTOPSIES UNDER THE SUPERVISION OF A FORENSIC PATHOLOGIST.  
16 Authorization and the amount to be paid by the county for ~~physician~~ PATHOLOGY  
17 services are subject to approval of the board of supervisors.  
18           3. DELEGATE ANY POWER, DUTY OR FUNCTION WHETHER MINISTERIAL OR  
19 DISCRETIONARY VESTED BY THIS CHAPTER IN THE MEDICAL EXAMINER OR ALTERNATE  
20 MEDICAL EXAMINER TO A PERSON MEETING THE QUALIFICATIONS PRESCRIBED IN THIS  
21 CHAPTER WHO IS EMPLOYED BY OR WHO HAS CONTRACTED WITH THE COUNTY TO PROVIDE  
22 DEATH INVESTIGATION SERVICES. THE MEDICAL EXAMINER OR ALTERNATE MEDICAL  
23 EXAMINER SHALL BE RESPONSIBLE FOR THE OFFICIAL ACTS OF THE PERSON DESIGNATED  
24 PURSUANT TO THIS SECTION AND ACTING UNDER THE NAME AND AUTHORITY OF THE  
25 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER.  
26           C. The county medical examiner or ~~a licensed physician employed to~~  
27 ~~perform these functions~~ ALTERNATE MEDICAL EXAMINER may:  
28           1. Authorize the taking of ~~anatomical gifts~~ ORGANS AND TISSUES as they  
29 prove to be usable for transplants, ~~or~~ other treatment, ~~or~~ therapy, EDUCATION  
30 OR RESEARCH if all of the requirements of title 36, chapter 7, article 3 are  
31 met. The medical examiner OR ALTERNATE MEDICAL EXAMINER shall give this  
32 authorization within a time period that permits a medically viable donation.  
33           2. Authorize licensed ~~or authorized~~ physicians, surgeons or trained  
34 technicians ~~who TO~~ remove parts of bodies ~~to perform any part of a necessary~~  
35 ~~medical examination~~ provided they follow ~~a~~ AN ESTABLISHED protocol  
36 ~~established~~ APPROVED by the medical examiner or ~~a person authorized to act~~  
37 ~~as the~~ ALTERNATE medical examiner.  
38           3. Limit the removal of organs or tissues for transplants or other  
39 therapy or treatment if, based on a ~~physical examination of the body~~ REVIEW  
40 OF AVAILABLE MEDICAL AND INVESTIGATIVE INFORMATION within a time that permits  
41 a medically viable donation, THE MEDICAL EXAMINER OR ALTERNATE MEDICAL  
42 EXAMINER MAKES AN INITIAL DETERMINATION THAT their removal would interfere  
43 with a medical examination, autopsy or certification of death. BEFORE MAKING  
44 A FINAL DECISION TO LIMIT THE REMOVAL OF ORGANS, THE MEDICAL EXAMINER OR  
45 ALTERNATE MEDICAL EXAMINER SHALL CONSULT WITH THE ORGAN PROCUREMENT

1 ORGANIZATION. AFTER THE CONSULTATION AND UPON PROVISION BY THE ORGAN  
2 PROCUREMENT ORGANIZATION OF INFORMATION WHICH THE ORGAN PROCUREMENT  
3 ORGANIZATION REASONABLY BELIEVES COULD ALTER THE INITIAL DECISION AND AT THE  
4 REQUEST OF THE ORGAN PROCUREMENT ORGANIZATION, THE MEDICAL EXAMINER OR  
5 ALTERNATE MEDICAL EXAMINER SHALL CONDUCT A PHYSICAL EXAMINATION OF THE BODY.  
6 If the medical examiner OR ALTERNATE MEDICAL EXAMINER limits the removal of  
7 organs ~~or tissue~~, the medical examiner OR ALTERNATE MEDICAL EXAMINER shall  
8 ~~provide a written explanation~~ MAINTAIN DOCUMENTATION of this decision AND  
9 SHALL MAKE THE DOCUMENTATION AVAILABLE TO THE ORGAN PROCUREMENT ORGANIZATION  
10 ~~to the organ procurement agency within three working days of the physical~~  
11 ~~examination.~~

12 D. A COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER SHALL NOT  
13 BE HELD CIVILLY OR CRIMINALLY LIABLE FOR ANY ACTS PERFORMED IN GOOD FAITH  
14 PURSUANT TO SUBSECTION C OF THIS SECTION.

15 ~~D.~~ E. If a dispute arises over the findings of the medical examiner's  
16 report, the medical examiner ~~shall~~, upon an order of the superior court,  
17 SHALL make available all evidence and documentation to a court-designated  
18 licensed forensic pathologist for ~~examination~~ REVIEW, and the results of the  
19 ~~examination~~ REVIEW shall be reported to the superior court in the county  
20 issuing the order.

21 ~~E.~~ F. For providing ~~medical~~ EXTERNAL examinations and ~~reports~~  
22 AUTOPSIES pursuant to ~~subsection C of~~ this section, the medical examiner may  
23 charge a fee established by the board of supervisors pursuant to section  
24 11-251.08.

25 Sec. 6. Repeal

26 Section 11-594.01, Arizona Revised Statutes, is repealed.

27 Sec. 7. Section 11-595, Arizona Revised Statutes, is amended to read:

28 11-595. Right to enter premises; right to seize articles

29 A. The county medical examiner or ~~any person performing the duties of~~  
30 ~~a county~~ ALTERNATE medical examiner may enter any room, dwelling, building or  
31 other place in which the body or evidence of the circumstances of the death  
32 requiring investigation may be found, provided that a law enforcement ~~agent~~  
33 AGENCY investigating the death obtains a search warrant for private property  
34 other than in the immediate location where the body was found.

35 B. The county medical examiner or ~~any person performing the duties of~~  
36 ~~a county~~ ALTERNATE medical examiner, with the permission of the law  
37 enforcement agent investigating the death may take into ~~his or her~~ possession  
38 any object or article found on the deceased or in the deceased's immediate  
39 vicinity which ~~in his or her opinion~~ may aid in the determination of the  
40 deceased's identity or determination of the cause or manner of death. Upon  
41 completion of ~~his or her~~ THE findings, the medical examiner or ~~the person~~  
42 ~~performing the duties of a county~~ ALTERNATE medical examiner shall, within  
43 thirty days, SHALL deliver ~~such~~ THE object or article to the law enforcement  
44 agency concerned, TO the legal representative of the deceased or to the  
45 county treasurer.



1 DIAGNOSTIC purposes. ~~from an infant who died of sudden infant death syndrome~~  
2 ~~if the tissue removal is not likely to result in any visible disfigurement,~~  
3 ~~except that tissue samples for research purposes shall not be taken if a~~  
4 ~~parent of the infant objects on the grounds such procedure conflicts with~~  
5 ~~personal beliefs.~~

6 ~~C.~~ E. If an autopsy is performed, a full record or report of the  
7 facts developed by the autopsy in the findings of the person ~~making such~~  
8 DOING THE autopsy shall be properly made and filed in the office of the  
9 county medical examiner or the board of supervisors. If the person  
10 performing the autopsy determines that the report should be forwarded to the  
11 county where the death occurred or the county ~~wherein~~ IN WHICH any injury  
12 contributing to or causing the death was sustained, ~~he~~ THE REPORT shall  
13 ~~forward a copy of the report~~ BE FORWARDED to the county attorney.

14 ~~D.~~ F. A county attorney may request and upon request shall receive  
15 from the county medical examiner or ~~a person performing the duties of a~~  
16 ~~county~~ ALTERNATE medical examiner a copy of the report on any autopsy  
17 performed.

18 ~~E.~~ G. The county medical examiner or ~~person performing the duties of~~  
19 ~~a county~~ ALTERNATE medical examiner may perform ~~such~~ other tests deemed  
20 necessary to determine identity, ~~AND THE~~ cause and manner of death and may  
21 retain tissues, specimens and other biological materials for subsequent  
22 examination.

23 ~~F.~~ H. When an autopsy or ~~such~~ other tests are performed by ~~the county~~  
24 ~~medical examiner or person performing the duties of a county medical examiner~~  
25 A FORENSIC PATHOLOGIST, no cause of action shall lie against the physician or  
26 any other person for requesting the autopsy, ~~or~~ for participating in the  
27 autopsy OR FOR RETAINING SPECIMENS OR TISSUES.

28 Sec. 10. Section 11-598, Arizona Revised Statutes, is amended to read:

29 11-598. Exhumation; court order

30 If in any case of sudden, violent or suspicious death a body is buried  
31 without any inquiries by the county medical examiner or ~~person performing the~~  
32 ~~duties of a county~~ ALTERNATE medical examiner, the county attorney of the  
33 county ~~wherein~~ IN WHICH the body is buried may petition the superior court  
34 for an order directing that the body be exhumed and an autopsy BE performed  
35 ~~thereon~~. The court after A hearing may order that the body be exhumed and  
36 that an autopsy or such other investigation as the court deems appropriate be  
37 performed.

38 Sec. 11. Section 11-599, Arizona Revised Statutes, is amended to read:

39 11-599. Cremation

40 When a funeral director, CREMATIONIST or embalmer is requested to  
41 cremate or prepare for cremation the body of a dead person, ~~he or she~~ THE  
42 FUNERAL DIRECTOR, CREMATIONIST OR EMBALMER or any other person having  
43 knowledge of an intention to so cremate shall notify the county medical  
44 examiner or ~~if there is no county medical examiner within the county, the~~  
45 ~~county sheriff and request that an examination of~~ ALTERNATE MEDICAL EXAMINER

1 TO EXAMINE the death certificate. ~~be made prior to the cremation. If there~~  
2 ~~is no medical examiner within the county, the county sheriff shall notify and~~  
3 ~~secure a licensed physician to examine the death certificate.~~ If after  
4 examination REVIEW the county medical examiner or ~~person performing the~~  
5 ~~duties of a county~~ ALTERNATE medical examiner is satisfied that there is no  
6 evidence of foul play or violence, ~~he or she~~ THE EXAMINER shall so certify.  
7 ~~and a copy of such certification shall be attached to the death certificate.~~

8 Sec. 12. Section 11-600, Arizona Revised Statutes, is amended to read:  
9 11-600. Burial of indigent deceased; disposal of property

10 A. When ~~an examination~~ A DEATH INVESTIGATION has been completed by the  
11 county medical examiner or ~~the person performing the duties of a county~~  
12 ALTERNATE medical examiner and no other person takes charge of the body of  
13 the deceased, the ~~medical~~ examiner shall cause the body to be delivered to  
14 the funeral establishment, licensed pursuant to title 32, chapter 12, article  
15 4, closest geographically to the place where the body is pronounced dead, for  
16 preservation, disinfection and final disposition. The medical examiner or  
17 ~~person performing the duties of a county~~ ALTERNATE medical examiner may  
18 establish geographical areas within the county and a rotation system whereby  
19 the bodies are delivered equally in sequence to all licensed funeral  
20 establishments in each geographical area. All licensed funeral  
21 establishments in any incorporated city or town shall be in the same  
22 geographical area. Area boundaries in unincorporated areas shall be drawn so  
23 as to approximate equal distances between incorporated cities or towns in  
24 which a licensed funeral establishment or establishments exist. Upon request  
25 of any licensed funeral establishment, in writing, they shall be removed from  
26 participation in the receipt of medical examiner cases until they rescind  
27 their request. If there is not sufficient property in the estate of the  
28 deceased to pay the necessary expenses of the burial, the expenses shall be a  
29 legal charge against the county. Upon determination of indigency the funeral  
30 establishment shall perform the normal county indigent burial, in the manner  
31 and for the fee then being paid by the county, or release the body, upon  
32 county request, without fee, to the funeral establishment designated by the  
33 county for other indigent burials.

34 B. Notwithstanding subsection A of this section, the county medical  
35 examiner OR ALTERNATE MEDICAL EXAMINER may cause the body to be delivered to  
36 a community college under the jurisdiction of a community college district as  
37 defined in section 15-1401, if the community college has an accredited  
38 mortuary science program. On acceptance of the body and with proper  
39 authorization, the community college mortuary science program shall preserve  
40 and disinfect the body, prepare it for final disposition and deliver the body  
41 to a licensed funeral establishment pursuant to subsection A of this section  
42 for final disposition. For the purposes of this subsection, proper  
43 authorization may be provided by the next of kin pursuant to section 36-831,  
44 subsection A or the public fiduciary of the county.

1 C. Within thirty days after the examination, the medical examiner or  
2 ~~person performing the duties of the county~~ ALTERNATE medical examiner shall  
3 deliver to the public fiduciary of the county or the legal representative of  
4 the deceased any money or property found upon the body.

5 Sec. 13. Section 36-104, Arizona Revised Statutes, is amended to read:  
6 36-104. Powers and duties

7 This section is not to be construed as a statement of the department's  
8 organization. This section is intended to be a statement of powers and  
9 duties in addition to the powers and duties granted by section 36-103. The  
10 director shall:

11 1. Administer the following services:

12 (a) Administrative services, which shall include, but not be limited  
13 to, the functions of accounting, personnel, standards certification,  
14 electronic data processing, vital statistics and the development, operation  
15 and maintenance of buildings and grounds utilized by the department.

16 (b) Public health support services, which shall include, but not be  
17 limited to:

18 (i) Consumer health protection programs, to include, but not be  
19 limited to, the functions of community water supplies, general sanitation,  
20 vector control and food and drugs.

21 (ii) Epidemiology and disease control programs, to include, but not be  
22 limited to, the functions of chronic disease, accident and injury control,  
23 communicable diseases, tuberculosis, venereal disease and others.

24 (iii) Laboratory services programs.

25 (iv) Health education and training programs.

26 (v) Disposition of human bodies programs.

27 (c) Community health services, which shall include, but not be limited  
28 to:

29 (i) Medical services programs, to include, but not be limited to, the  
30 functions of maternal and child health, preschool health screening, family  
31 planning, public health nursing, premature and newborn program,  
32 immunizations, nutrition, dental care prevention and migrant health.

33 (ii) Dependency health care services programs, to include, but not be  
34 limited to, the functions of need determination, availability of health  
35 resources to medically dependent, quality control, utilization control and  
36 industry monitoring.

37 (iii) Crippled children's services programs.

38 (iv) Programs for the prevention and early detection of mental  
39 retardation.

40 (d) Program planning, which shall include, but not be limited to:

41 (i) An organizational unit for comprehensive health planning programs.

42 (ii) Program coordination, evaluation and development.

43 (iii) Need determination programs.

44 (iv) Health information programs.

1           2. Include and administer, within the office of the director, staff  
2 services, which shall include, but not be limited to, budget preparation,  
3 public information, appeals, hearings, legislative and federal government  
4 liaison, grant development and management and departmental and interagency  
5 coordination.

6           3. Make rules and regulations for the organization and proper and  
7 efficient operation of the department.

8           4. Determine when a health care emergency or medical emergency  
9 situation exists or occurs within the state that cannot be satisfactorily  
10 controlled, corrected or treated by the health care delivery systems and  
11 facilities available. When such situation is determined to exist, the  
12 director shall immediately report such situation to the legislature and the  
13 governor. Such report shall include information on the scope of the  
14 emergency, recommendations for solution of the emergency and estimates of  
15 costs involved.

16           5. Provide a system of unified and coordinated health services and  
17 programs between the state and county governmental health units at all levels  
18 of government.

19           6. Formulate policies, plans and programs to effectuate the missions  
20 and purposes of the department.

21           7. Make contracts and incur obligations within the general scope of  
22 its activities and operations subject to the availability of funds.

23           8. Be designated as the single state agency for the purposes of  
24 administering and in furtherance of each federally supported state plan.

25           9. Provide information and advice on request by local, state and  
26 federal agencies and by private citizens, business enterprises and community  
27 organizations on matters within the scope of its duties subject to the  
28 departmental rules and regulations on the confidentiality of information.

29           10. Establish and maintain separate financial accounts as required by  
30 federal law or regulations.

31           11. Advise with and make recommendations to the governor and the  
32 legislature on all matters concerning its objectives.

33           12. Take appropriate steps to reduce or contain costs in the field of  
34 health services.

35           13. Encourage and assist in the adoption of practical methods of  
36 improving systems of comprehensive planning, of program planning, of priority  
37 setting and of allocating resources.

38           14. Encourage an effective use of available federal resources in this  
39 state.

40           15. Research, recommend, advise and assist in the establishment of  
41 community or area health facilities, both public and private, and encourage  
42 the integration of planning, services and programs for the development of the  
43 state's health delivery capability.

44           16. Promote the effective utilization of health manpower and health  
45 facilities which provide health care for the citizens of this state.

1           17. Take appropriate steps to provide health care services to the  
2 medically dependent citizens of this state.

3           18. Certify training on the nature of sudden infant death syndrome for  
4 use by professional ~~fire-fighters~~ FIREFIGHTERS and certified emergency  
5 medical technicians as part of their basic and continuing training  
6 requirement.

7           19. Certify training on the nature of sudden infant death syndrome  
8 which shall include information on the investigation and handling of cases  
9 involving sudden and unexplained infant death for use by law enforcement  
10 officers as part of their basic training requirement.

11           20. Adopt protocols on the manner in which an autopsy shall be  
12 conducted under section 11-597, subsection ~~B~~- D in cases of sudden and  
13 unexplained infant death.

14           21. Cooperate with the Arizona-Mexico commission in the governor's  
15 office and with researchers at universities in this state to collect data and  
16 conduct projects in the United States and Mexico on issues that are within  
17 the scope of the department's duties and that relate to quality of life,  
18 trade and economic development in this state in a manner that will help the  
19 Arizona-Mexico commission to assess and enhance the economic competitiveness  
20 of this state and of the Arizona-Mexico region.

21           22. Administer the federal family violence prevention and services act  
22 grants, and the department is designated as this state's recipient of federal  
23 family violence prevention and services act grants.

24           23. Accept and spend private grants of monies, gifts and devises for  
25 the purposes of methamphetamine education. The department shall disburse  
26 these monies to local prosecutorial or law enforcement agencies with existing  
27 programs, faith based organizations and nonprofit entities that are qualified  
28 under section 501(c)(3) of the United States internal revenue code, including  
29 nonprofit entities providing services to women with a history of dual  
30 diagnosis disorders, that provide educational programs on the repercussions  
31 of methamphetamine use. State general fund monies shall not be spent for the  
32 purposes of this paragraph. If the director does not receive sufficient  
33 monies from private sources to carry out the purposes of this paragraph, the  
34 director shall not provide the educational programs prescribed in this  
35 paragraph. Grant monies received pursuant to this paragraph are nonlapsing  
36 and do not revert to the state general fund at the close of the fiscal year.

37           24. Identify successful methamphetamine prevention programs in other  
38 states that may be implemented in this state.

39           Sec. 14. Section 36-301, Arizona Revised Statutes, is amended to read:

40           36-301. Definitions

41           In this chapter, unless the context otherwise requires:

42           1. "Administrative order" means a written decision issued by an  
43 administrative law judge or quasi-judicial entity.

- 1           2. "Amend" means to make a change, other than a correction, to a  
2 registered certificate by adding, deleting or substituting information on  
3 that certificate.
- 4           3. "Birth" or "live birth" means the complete expulsion or extraction  
5 of a product of human conception from its mother, irrespective of the  
6 duration of the pregnancy, that shows evidence of life, with or without a cut  
7 umbilical cord or an attached placenta, such as breathing, heartbeat,  
8 umbilical cord pulsation or definite voluntary muscle movement after  
9 expulsion or extraction of the product of human conception.
- 10          4. "Certificate" means a record that documents a birth or death.
- 11          5. "Certified copy" means a written reproduction of a registered  
12 certificate that a local registrar, a deputy local registrar or the state  
13 registrar has authenticated as a true and exact written reproduction of a  
14 registered certificate.
- 15          6. "Correction" means a change made to a registered certificate  
16 because of a typographical error including misspelling and missing or  
17 transposed letters or numbers.
- 18          7. "Court order" means a written decision issued by:  
19           (a) The superior court, an appellate court or the supreme court or an  
20 equivalent court in another state.  
21           (b) A commissioner or judicial hearing officer of the superior court.  
22           (c) A judge of a tribal court in this state.
- 23          8. "Custody" means legal authority to act on behalf of a child.
- 24          9. "Department" means the department of health services.
- 25          10. "Electronic" means technology that has electrical, digital,  
26 magnetic, wireless, optical or electromagnetic capabilities or technology  
27 with similar capabilities.
- 28          11. "Evidentiary document" means written information used to prove the  
29 fact for which it is presented.
- 30          12. "Family member" means:  
31           (a) A person's spouse, natural or adopted offspring, father, mother,  
32 grandparent, grandchild to any degree, brother, sister, aunt, uncle or first  
33 or second cousin.  
34           (b) The natural or adopted offspring, father, mother, grandparent,  
35 grandchild to any degree, brother, sister, aunt, uncle or first or second  
36 cousin of the person's spouse.
- 37          13. "Fetal death" means the cessation of life before the complete  
38 expulsion or extraction of a product of human conception from its mother and  
39 that is evidenced by the absence of breathing, heartbeat, umbilical cord  
40 pulsation or definite voluntary muscle movement after expulsion or  
41 extraction.
- 42          14. "Final disposition" means the interment, cremation, removal from  
43 this state or other disposition of human remains.
- 44          15. "Foundling" means:

- 1 (a) A newborn infant left with a safe haven provider pursuant to  
2 section 13-3623.01.
- 3 (b) A child whose father and mother cannot be determined.
- 4 16. "Funeral establishment" has the same meaning prescribed in section  
5 32-1301.
- 6 17. "Health care institution" has the same meaning prescribed in  
7 section 36-401.
- 8 18. "Human remains" means a lifeless human body or parts of a human  
9 body that permit a reasonable inference that death occurred.
- 10 19. "Issue" means:
- 11 (a) To provide a copy of a registered certificate.
- 12 (b) An action taken by a court of competent jurisdiction,  
13 administrative law judge or quasi-judicial entity.
- 14 20. "Legal age" means a person who is at least eighteen years of age or  
15 who is emancipated by a court order.
- 16 21. "Medical examiner" means a ~~physician who meets the requirements of~~  
17 **MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER AS DEFINED IN** section 11-591,  
18 ~~subsection B.~~
- 19 22. "Midwife" means a person who is either:
- 20 (a) Licensed pursuant to chapter 6, article 7 of this title.
- 21 (b) Certified as a nurse midwife pursuant to title 32, chapter 15.
- 22 23. "Name" means a designation that identifies a person including a  
23 first name, middle name, last name or suffix.
- 24 24. "Nurse practitioner" means a person licensed and certified as a  
25 nurse practitioner pursuant to title 32, chapter 15.
- 26 25. "Physician" means a person licensed pursuant to title 32, chapter  
27 13 or 17.
- 28 26. "Presumptive death" means a determination by a court that a death  
29 has occurred or is presumed to have occurred but the human remains have not  
30 been located or recovered.
- 31 27. "Register" means to assign an official state number and to  
32 incorporate into the state registrar's official records.
- 33 28. "Responsible person" means a person listed in section 36-831.
- 34 29. "Seal" means to bar from access.
- 35 30. "Submit" means to present, physically or electronically, a  
36 certificate, evidentiary document or form provided for in this chapter to a  
37 local registrar, a deputy local registrar or the state registrar.
- 38 31. "System of public health statistics" means the processes and  
39 procedures for:
- 40 (a) Tabulating, analyzing and publishing public health information  
41 derived from vital records data and other sources authorized pursuant to  
42 section 36-125.05 or section 36-132, subsection A, paragraph 3.
- 43 (b) Performing other activities related to public health information.
- 44 32. "System of vital records" means the statewide processes and  
45 procedures for:

1           (a) Electronically or physically collecting, creating, registering,  
2 maintaining, copying and preserving vital records.

3           (b) Preparing and issuing certified and noncertified copies of vital  
4 records.

5           (c) Performing other activities related to vital records.

6           33. "Vital record" means a registered birth certificate or a registered  
7 death certificate.